

The Honorable John E. Bridges

SUPERIOR COURT OF WASHINGTON FOR CHELAN COUNTY

Timothy Borders, et al,)	
)	
Petitioners,)	No. 05-2-00027-3
)	
vs.)	
)	MOTION FOR PROTECTIVE ORDER
King County and Dean Logan, et al,)	RE: DEPOSITIONS OF DEAN
)	LOGAN AND BILL HUENNEKENS
Respondents,)	
)	
Washington State Democratic Central Committee,)	
)	
Intervenor,)	
)	
Libertarian Party of Washington State, and Ruth)	
Bennett Campaign,)	
)	
Intervenors.)	

I. RELIEF REQUESTED

Dean Logan, Director of King County's Records, Elections, and Licensing Services Division, and Bill Huennekens, King County Superintendent of Elections, by and through their attorney, Donald J. Porter, King County Senior Deputy Prosecuting Attorney, move this court for a protective order which provides the following relief:

1. An order that would require all parties with an interest in questioning Mr. Logan and Mr. Huennekens under oath to do so at a single deposition of each witness.
2. An order that would compel all parties with an interest in questioning Mr. Logan and Mr. Huennekens to do so at the depositions set by petitioners for March 28, 2005, and March 31, 2005, respectively; or, in the alternative, an order quashing the depositions set for March 28 and March 31, and resetting those depositions on dates that would allow all parties adequate time to prepare for the depositions.

II. STATEMENT OF FACTS

See the declaration of Donald J. Porter, counsel for Mr. Logan and Mr. Huennekens, which accompanies this motion.

III. STATEMENT OF THE ISSUES

1. Whether King County elections officials Dean Logan and Bill Huennekens, non-parties in this action, should be required to submit to multiple depositions on various dates established by the multiple parties to this lawsuit? Or,
2. Whether it is reasonable to limit the burden on these witnesses by establishing a single deposition for each witness at times that would allow all parties to be reasonably prepared for the depositions?

IV. EVIDENCE RELIED UPON

The motion is based on the declaration of Donald J. Porter, attorney for Mr. Logan and Mr. Huennekens.

1 V. LEGAL AUTHORITY

2 This motion is brought pursuant to CR 26(c), which provides in pertinent part:

3 Upon motion by a party or by the person from whom discovery is sought,
4 and for good cause shown, the court in which the action is pending or
5 alternatively, on matters relating to a deposition, the court in the county
6 where the deposition is to be taken may make any order which justice
7 requires to protect a party or person from annoyance, embarrassment,
8 oppression, or undue burden or expense, including one or more of the
9 following: ...; (2) that the discovery may be had only on specified terms
10 and condition, including a designation of the time or place; ...

11 VI. PROPOSED ORDER

12 A proposed order granting the relief requested accompanies this motion.

13 Dated: March 22, 2005.

14 NORM MALENG
15 King County Prosecuting Attorney

16 By: /s/
17 DONALD PORTER, WSBA #20164
18 Senior Deputy Prosecuting Attorney
19 Attorney for Dean Logan and Bill Huennekens
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